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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,940	02/05/2001	Diane Troyer	xMTI-08	4485

7590 03/19/2002

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Montrose, CA 91020

EXAMINER

DOWLING, WILLIAM C

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 03/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/778,940

Examiner

William C. Dowling

Applicant(s)

TROYER, DIANE

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-12, 14-16, 42-62, 66-69 and 73-79 is/are pending in the application.
- 4a) Of the above claim(s) 42-62 and 74-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 14-16, 66-69 and 73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 42-62 and 74-79 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7, 10-12, 14-16, 66-69, 73, drawn to a laser projector, classified in class 353, subclass 31.

II. Claims 42-62, 74-79, drawn to optical elements of a laser projector, classified in class 359, subclass 290.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as projecting a picture beam onto a liquid crystal light valve not including all the limitations of invention II. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. During a telephone conversation with Peter Lippman on March 8, 2002 a provisional election was made without traverse to prosecute the invention of I, claims 1-7, 10-12, 14-16, 66-69, 73. Affirmation of this election must be made by applicant in replying to this Office action. Claims 42-62, 74-79 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### **DETAILED ACTION**

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. The abstract of the disclosure is objected to because it exceeds 250 words. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 10-12, 14-16, 66-69, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minich et al. in view of Knize.

Minich discloses an image projection apparatus comprising red, green, and blue laser means for illuminating a writable reflective light valve and projecting a resulting image upon a surface. It is well established that red, blue, and green lights may be combined to form white and black images.

Minich does not specify the particular wavelengths of laser light.

Knize teaches the use of a red laser means having a wavelength over 635 nm and which may be "about" 647, as best as "about" can be determined.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Minich et al. by the use of particular wavelength laser means as taught by Knize because such a laser is known to be preferential for image formation (See Column 3 Line 64- Column 4 Line 3). Further, the mixture of the light can inherently be used to form colors such as black, white, and cyan. It further would have been obvious to control the light valve by any of known computer signaling means such as traditional or otherwise because it is

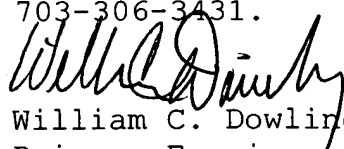
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an obvious use to utilize different signal depending upon desired usage. Official notice is made of this aspect. The use of both gas lasers and solid state lasers are deemed to be obvious choices for supplying the laser lights because both are well known to be used in projection devices. Any projector may be made to project onto any surface simply by pointing the projector in that direction.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Dowling whose telephone number is 703-308-1287. The examiner can normally be reached on Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7723 for regular communications and 703-305-7723 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

  
William C. Dowling  
Primary Examiner  
Art Unit 2851

wcd  
March 9, 2002